

**From:** Glenn Crocker  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

I wish to comment on the proposed settlement with Microsoft (under the Tunney Act).

As a computer professional and entrepreneur, I have been involved directly with Microsoft as a partner, party to non-disclosure agreements, and competitor. I've seen first-hand the ways the company abuses its monopoly position in the Operating System market. In general, the proposed settlement does a few things wrong:

1. Remedies are insufficient
2. Prohibitions on future behavior are insufficient
3. Mistakes of the past are repeated

In one section of the proposed settlement, Section III.B., there are a number of "loopholes" that remove the teeth from the agreement. Specifically, Microsoft must license Windows on uniform and published terms to the top 20 OEMs, but smaller OEMs can be punished at Microsoft's sole option. In view of Microsoft's history of doing just this, it would seem that this section is flawed, insufficient, and toothless.

Further, III.B. allows Microsoft to continue its blatantly illegal "tying" of other products to its monopoly! By allowing Market Development Allowances, the settlement provides exactly the tool Microsoft needs to tie future products to the Operating System.

One last OEM-related comment: Section III.A.2. allows retaliation against OEMs that sell Personal Computers that do not include a Microsoft operating system. Clearly, this is intended to prevent lower-priced operating systems like Linux from gaining a foothold in the US the way they are in Europe and Asia.

-glenn

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